

**THIRD AMENDED CHAPTER 13 PLAN**

Filing Date: 03/19/2010 Docket #: 10-12846

Debtor: Manetas, Ourania A. Co-Debtor: \_\_\_\_\_

SS#: 4766 SS#: \_\_\_\_\_

Address: 622 Trapelo Road Address: \_\_\_\_\_

Belmont, MA 02478 \_\_\_\_\_

Debtor's Counsel:

**Midgley Legal Services, LLC**  
P.O. Box 2577  
Attleboro Falls, MA 02763-0894

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE SECTION 341 MEETING TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

**THIRD AMENDED CHAPTER 13 PLAN**

Docket#: 10-12846

DEBTORS: (H) Manetas, Ourania A. SS# 4766  
(W) \_\_\_\_\_ SS# \_\_\_\_\_

**I. PLAN PAYMENT AND TERM:**

Debtor(s) shall pay monthly to the Trustee the sum of \$ 50.00 for the term of:

- 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);  
 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);  
 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause: insufficient income to pay in 36 months  
 Months. The Debtor states as reasons therefore: sale plan for 12 months

**II. SECURED CLAIMS:**

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
<b>American Home Mortgage</b>	arrears	<u>13,186.86</u>
	Total of secured claims to be paid through the Plan:	\$ <u>13,186.86</u>

B. Claims to be paid directly to creditors (not through plan):

Creditor	Description of Claim
<b>American Home Mortgage Servicing, Inc.</b>	<b>mortgage on property located at 622 trapelo road, belmont, ma</b>
<b>Fairview Mortgage</b>	<b>mortgage on property located at 628 Trapelo Road, Belmont, ma</b>
<b>Internal Revenue Service</b>	<b>taxes-\$60,777.01</b>
<b>Massachusetts Department of Revenue</b>	<b>taxes-\$81,841.50</b>

C. Modifications of Secured Claims:

Creditor	Details of Modification (Additional details may be attached)	Amt. of Claim to Be Paid Through Plan
<b>None</b>		

D. Leases:

i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of:  
**None**

ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of :  
**None**

iii. The arrears under the lease to be paid under the plan are \_\_\_\_\_

**III. PRIORITY CLAIMS:**

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
<b>None</b>		

B. Other:

Creditor	Description of Claim	Amount of Claim
Town Of Belmont	electric bill for 622 trapelo road, belmont, ma	\$ 517.60
Town Of Belmont	re taxes for 622 trapelo road, belmont, ma	\$ 4,529.53
Internal Revenue Service	taxes	\$ 5,000.00
MA Department of Revenue	taxes	\$ 11,686.40
	Total of Priority Claims to Be Paid Through the Plan:	\$ <u>21,733.53</u>

IV. ADMINISTRATIVE CLAIMS:

A. Attorneys fees (to be paid through the Plan): \$ 0.00.

B. Miscellaneous fees:

Creditor	Description of Claim	Amount of Claim
None		

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of 100.00% of their claims.

A. General unsecured claims: \$ 13,224.00

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
None		

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim
	Total of A + B + C unsecured claims:	\$ <u>13,224.00</u>

D. Multiply total by percentage: \$ 13,224.00.

(Example: total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
None	Total amount of separately classified claims payable at <u>100%</u> :	\$ <u>0.00</u>

VI. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund Plan: sale of 628 Trapelo Road, Belmont, Massachusetts, secured parties listed in Section II-A will receive the listed payments from closing attorney. Fairview will receive direct payment of \$538,522.36 plus per diem of \$183.22 per day, Chapter 13 Trustee will be paid \$38,841.20 for administration to pay priority and unsecured proof of claims.

B. Miscellaneous provisions: 11 payments of \$50.00 and the balance will be made via a 1 time payment to the trustee in the amount of \$52,944.00 from the sale to pay the plan.

VII. CALCULATION OF PLAN PAYMENT:

a. Secured claims (Section I-A Total):	\$	<u>13,186.86</u>
b. Priority claims (Section II-A & B Total):	\$	<u>21,733.53</u>
c. Administrative claims (Section III-A & B Total):	\$	<u>0.00</u>
d. Regular unsecured claims (Section IV-D Total): +	\$	<u>13,224.00</u>
e. Separately classified unsecured claims:	\$	<u>0.00</u>

f. Total of a + b + c + d + e above:	\$ 48,144.39
g. Divide (f) by .90 for total including Trustee's fee: Cost of Plan:  (This represents the total amount to be paid into the Chapter 13 Plan)	\$ 53,494.00
h. Divide (g) Cost of Plan by Term of Plan: <u>12</u> months	
i. Round up to nearest dollar: Monthly Plan Payment:	\$ 50.00
	(Enter this amount on Page 1)

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make pre-confirmation adequate protection payments directly to the secured creditor.

### VIII. LIQUIDATION ANALYSIS

#### A. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
house and diner located at 628 trapelo road, belmont, ma	900,000.00	546,475.41
residence located at 622 trapelo road, belmont, ma	333,000.00	408,024.30
Total Net Equity for Real Property:	\$ 353,524.59	
Less Total Exemptions (Schedule C):	\$ 0.00	
Available Chapter 7:	\$ 353,524.59	

#### B. Automobile

Describe year, make and model	Value	Lien	Exemption
1990 buick	400.00	0.00	400.00
Total Net Equity:	\$ 400.00		
Less Total Exemptions (Schedule C):	\$ 400.00		
Available Chapter 7:	\$ 0.00		

#### C. All Other Assets (All remaining items on Schedule B): (Itemize as necessary)

Total Net Value:	\$ 152,455.00
Less Exemptions (Schedule C):	\$ 13,200.00
Available Chapter 7:	\$ 139,255.00

#### D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: \$ 492,779.59.

#### E. Additional Comments regarding Liquidation Analysis:

### IX. SIGNATURES

Pursuant to the Chapter 13 rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Stephen K. Midgley Attala Midgley, 2010  
Debtor's Counsel Date

Attorney's Address:  
**Midgley Legal Services, LLC**  
 P.O. Box 2577  
 Attleboro Falls, MA 02763-0894

Tel. # 508-261-9010

Email Address: midgleylawverizon.net

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE

X TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.  
*/s/ Ourania A. Manetas* *Ourania Manetas* 7/27/2010  
Debtor Date  
Debtor , 2010

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

<b>In Re:</b>	)	<b>Chapter 13</b>
<b>Ourania A. Manetas</b>	)	
	)	<b>Case No: 10-12846</b>
	)	
<b>Debtor</b>	)	
	)	

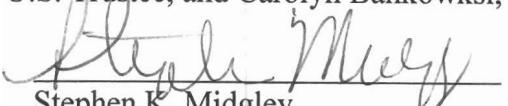
**CERTIFICATE OF SERVICE**

I, Stephen K. Midgley, certify that on July 8, 2010, I mailed first class mail copy of the Third Amended Chapter 13 Plan to :

Ourania Manetas  
622 Trapelo Road  
Belmont, MA

**SEE ATTACHED LIST OF CREDITORS**

and via electronic mail to John Fitzgerald, U.S. Trustee, and Carolyn Bankowksi, Chapter 13 Trustee.

  
Stephen K. Midgley  
B.B.O: 549701  
Midgley Legal Services, LLC  
P.O. Box 2577  
Attleboro Falls, Ma 02763  
Telephone: (508)261-9010  
Fax: (508) 339-0222

American Home Mortgage Servicing, Inc.  
1525 S. Beltline Road, Suite 100 N  
Coppell, TX 75019

Commonwealth Of Massachusetts  
Division Of Workforce Development  
One Ashburton Place, Suite 2112  
Boston, MA 02108

Discover Financial Services LLC  
P.O. Box 15316  
Wilmington, DE 19850

Fairview Commercial Lending, Inc.  
James P. Mitchell, Esq.  
20 West Emerson Street  
Melrose, MA 02176

Household Finance Corporation II  
Shechtman, Halperin, Savage, LLP  
352 Newbury Street  
Boston, MA 02115

Humana  
P.O. Box 533  
Carol Stream, IL 60132

Internal Revenue Service  
Centralized Insolvency Operation  
P.O. Box 21126  
Philadelphia, PA 19114

Internal Revenue Service  
Centralized Inxolvency Operation  
P.O. Box 21126  
Philadelphia, PA 19114

Massachusetts Department Of Revenue  
Bankruptcy Unit  
P.O. Box 55484  
Boston, MA 02205

National Grid  
Processing Center  
Woburn, MA 01807

Town Of Belmont  
40 Prince Street  
Belmont, MA 02478

Town Of Belmont  
Municipal Light Department  
P.O. Box 168  
Belmont, MA 02478

Town Of Belmont  
P.O. Box 168  
Belmont, MA 02478